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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,682	08/06/2002	Scott William Davis	201-0496	7214
28549	7590	01/28/2004	EXAMINER	
KEVIN G. MIERZWA ARTZ & ARTZ, P.C. 28333 TELEGRAPH ROAD, SUITE 250 SOUTHFIELD, MI 48034			WILLIAMS, THOMAS J	
		ART UNIT		PAPER NUMBER
		3683		

DATE MAILED: 01/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/064,682	DAVIS, SCOTT WILLIAM
	Examiner Thomas J. Williams	Art Unit 3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 26 November 2003.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-26 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-26 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 26 November 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 a) The translation of the foreign language provisional application has been received.
 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____.
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) Other: _____

DETAILED ACTION

Drawings

1. The drawings were received on November 26, 203. These drawings are approved.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1- are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,620,236 to

McGrath et al.

Re-claims 1, 2, 4, 5 and 11-13, McGrath et al. discloses a trailer brake controller, comprising: a control element 250 is positioned in a passenger vehicle; a vehicle speed input from the ABS is provided to the control element, column 19 lines 30-37; a vehicle brake pressure input is provided to the control element, column 12 lines 15-18; a trailer brake output is generated (see abstract), the trailer brake output is controlled by the control element in response to the vehicle speed input and the vehicle brake pressure input, and a diagnostic input from the towed trailer in communication with the control element, the diagnostic input verifies proper operation of the towed vehicle's brake system, see column 16 lines 37-41, wherein McGrath et al. discloses that elements 33 (visual indicators or lamps) provide visual information to the driver regarding the operational condition (i.e. functionality) and information concerning the brake system. It is anticipated that information concerning the brake system means real time

information regarding the actual performance of the brake system as well any settings input by the operator.

Re-claim 3, McGrath et al. incorporates by reference a means for sensing brake pressure that is attached to the master cylinder, see column 12 lines 16-17.

Re-claims 6 and 14, an ABS activation input is in communication with the control element, column 19 lines 17-46.

Re-claims 7-9, 15-17, lamps 33 act as a display and are interpreted as communication elements that provide communication to the vehicle occupant.

Re-claims 10, 18 and 19, the display includes gain input control, gain display and signal strength, column 4 lines 60-67.

Re-claim 20, McGrath et al. discloses a method of controlling a trailer brake system comprising: determining a vehicle speed and vehicle brake pressure through communication with an anti-lock braking system, relaying the speed and pressure information to a control element 250; using the speed and pressure information to determine a trailer brake pressure output signal; sending the brake pressure output signal to the trailer braking system.

Re-claim 21, a diagnostic or operational signal is sent to the trailer braking system, lamps 33 provide indication to the vehicle occupant of the diagnostic signal.

Re-claim 22, a display is mounted within the vehicle dash, column 3 lines 29-35.

Re-claims 23-26, McGrath discloses that the signal sent to the towed vehicle brakes is modified according to the brake pressure applied in the towing vehicle's brake system, see column 18 lines 5-43, as well as a controller gain setting based upon the vehicle speed input, see column 19 lines 28-37.

Response to Arguments

4. Applicant's arguments filed November 26, 2003 have been fully considered but they are not persuasive. The visual information provided to the operator concerning the brake system 10 (see column 16 lines 38-41) is interpreted as indicating proper operation or proper functionality of the towed trailer's brake system. The brake system 10 is disclosed as being the trailer brake system, thus information concerning the brake system 10 is interpreted as being information regarding the real time operation of the brake system. One known method of accomplishing this task is to simply monitor the brake actuators of the brake system and relay that information back to the controller. McGrath et al. clearly teaches that the controller can modify the gain and brake output to the trailer. This information will be provided to the operator via the visual lamps. Furthermore, it is well known in the art to constantly monitor the operation and functionality of brake systems on both vehicles and trailers. Thus it is the opinion of the examiner that monitoring a brake system for proper operation is not novel and anticipated by McGrath et al. McGrath et al. incorporates by reference US 4,295,687 in which a brake pressure value of the brake system is transmitted to a controller for controlling a towed vehicle's brake system. The sensor is attached to the hydraulic piping of the towing vehicle's brake system and is thus considered part of the anti-lock brake system. An anti-lock brake system comprises many components, one of which is the hydraulic piping associated with the brake system. McGrath merely discloses that the display is *usually* mounted beneath the dash, this does not preclude it from being received within a compartment beneath the dash. It is the position of the examiner that for aesthetic reasons and for driver comfort that the display panel will be positioned in a location within the dash, which would include any mounting features (such as brackets) attached

beneath the dash. The claim language does not recite a specific location “within” the dash (such as a top portion, middle portion, or bottom portion of the dash) and therefore does not preclude a location beneath the dash but yet still within the dash. For instance a mounting bracket attached to the dash, either above or below, would expand the domain of the dash. Thus a device placed within the bracket is considered within the dash.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is (703) 305-1346. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder, can be reached at (703) 308-3421. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

THOMAS WILLIAMS
PATENT EXAMINER

TJW

January 23, 2004

Thomas J. Williams
Examiner
AU 3683

Thomas. Williams
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1-23-04